

APPROVED
BOARD OF DENTISTRY
MINUTES
CREDENTIALS COMMITTEE MEETING

TIME AND PLACE: The Credentials Committee convened on February 9, 2007, at 9:43 a.m. at the Department of Health Professions, 6603 W. Broad Street, Richmond, Virginia.

FIRST CONFERENCE: 9:43 a.m.

PRESIDING: Misty L. Sissom, R.D.H.

MEMBERS PRESENT: Jeffrey Levin, D.D.S.
Darryl J. Pirok, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Cheri Emma-Leigh, Operations Manager
Leigh C. Kiczales, Adjudication Specialist

QUORUM: All three members were present.

**Margaret M. Ferguson,
R.D.H., Applicant
Case No. 109150** Margaret M. Ferguson, R.D.H. appeared without counsel to reconvene the informal conference held on September 22, 2006, and discuss the comprehensive substance abuse evaluation completed on October 24, 2006, and her application for reinstatement of her dental hygiene license.

The Committee received Ms. Ferguson's statements and discussed her application with her.

Closed Meeting: Dr. Pirok moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Margaret M. Ferguson, R.D.H. Additionally, Dr. Pirok moved that Board staff, Sandra Reen and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Dr. Pirok moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

Decision: Ms. Sissom reported that the Committee's decision is to grant Ms. Ferguson a dental hygiene license. Dr. Levin moved to adopt the decision of the Committee. The motion was seconded and passed.

SECOND CONFERENCE: 10:33 a.m.

PRESIDING: Misty L. Sissom, R.D.H.

MEMBERS PRESENT: Jeffrey Levin, D.D.S.
Darryl J. Pirok, D.D.S.

STAFF PRESENT: Sandra K. Reen, Executive Director
Cheri Emma-Leigh, Operations Manager
Leigh C. Kiczales, Adjudication Specialist

QUORUM: All three members were present.

**Frank P. Luorno, Sr., D.D.S.
Case No. 111904** Frank P. Luorno, Sr., D.D.S. appeared without counsel, to discuss his application for a license to practice dentistry in Virginia, and allegations that he may have:

1. violated § 54.1-2706(9) and § 54.1-2709.B(iii) of the Code, and 18 VAC 60-20-71(3) of the Regulations of the Board of dentistry, in that he has not passed Part I and Part II of the examination given by the Joint Commission on National Dental Examinations; and
2. violated § 54.1-2706(9) and § 54.1-2709.C(iii) of the Code, and 18 VAC 60-20-71(5) of the Regulations of the Board of Dentistry, in that on or about September 2003, he took and failed the Southern Regional Testing Agency ("SRTA") exam.

The Committee received Dr. Luorno's statements and discussed his application with him.

Closed Meeting:

Dr. Pirok moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Frank P. Luorno, Sr., D.D.S. Additionally, Dr. Pirok moved that Board staff, Sandra Reen and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Ms. Sissom reported that the Committee recommended adopting as the Findings of Fact and Conclusions of Law the allegations as outlined in the Notice of Informal Conference. Further, Ms. Sissom stated that it is the decision of the Committee to recommend denial of Dr. Luorno's application to the Board at its next Board meeting on March 9, 2007. Dr. Pirok moved to adopt the decision of the Committee. The motion was seconded and passed.

THIRD CONFERENCE:

11:32 a.m.

PRESIDING:

Misty L. Sissom, R.D.H.

MEMBERS PRESENT:

Darryl J. Pirok, D.D.S.

MEMBERS ABSENT:

Jeffrey Levin, D.D.S.

STAFF PRESENT:

Sandra K. Reen, Executive Director
Cheri Emma-Leigh, Operations Manager
Leigh C. Kiczales, Adjudication Specialist

QUORUM:

With two members present, a quorum was established.

**David M. Muench, D.D.S.
Case No. 111957**

David M. Muench, D.D.S. appeared with counsel, W. Scott Johnson, Esq., to discuss his application for a license to practice dentistry in Virginia, and allegations that he may have:

1. violated § 54.1-2706(9) and (14), § 54.1-2709©(ii)(iv) of the Code, and 18 VAC 60-20-71(6) of the Regulations of the Board of Dentistry, in that by Consent Agreement and Order entered June 2, 2006, in the Commonwealth of Pennsylvania:
 - a. his license to practice dentistry in that jurisdiction was suspended for no less than five (5) years with sixty (60) days active suspension and the remaining period stayed in favor of probation;
 - b. The Pennsylvania Board of Dentistry accepted the permanent surrender of his anesthesia permits, and, as a result, he is not permitted to use conscious sedatives requiring said permits;
 - c. His dental practice during the period of probation is limited to the practice of orthodontics only; and
 - d. He is prohibited from working in any practice setting without workplace monitoring.
2. violated § 54.1-2706(5) and (9) of the Code, and 18 VAC 60-20-71(1) of the Regulations of the Board of Dentistry, in that on or about November 16, 1999, a medical malpractice claim was paid on his behalf as a result of the alleged improper removal of a bonding agent which resulted in the loss of enamel on ten of the patient's teeth. Further, on or about May 27, 2003, a second medical malpractice claim was paid on his behalf as a result of the alleged extraction of tooth #3 in a twelve (12) year old patient, when a filling could have been placed instead, and he failed to obtain informed consent prior to treatment.

The Committee received Dr. Muench's statements and discussed his application with him.

Closed Meeting:

Dr. Pirok moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia

to deliberate for the purpose of reaching a decision in the matter of David M. Muench, D.D.S. Additionally, Dr. Pirok moved that Board staff, Sandra Reen and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Ms. Sissom reported that the Committee recommended adopting as the Findings of Fact and Conclusions of Law the allegations as outlined in the Notice of Informal Conference. Further, Ms. Sissom stated that it is the decision of the Committee to recommend denial of Dr. Muench's application to the Board at its next Board meeting on March 9, 2007. Dr. Pirok moved to adopt the decision of the Committee. The motion was seconded and passed.

FOURTH CONFERENCE:

1:30 p.m.

PRESIDING:

Misty L. Sissom, R.D.H.

MEMBERS PRESENT:

Darryl J. Pirok, D.D.S.

MEMBERS ABSENT:

Jeffrey Levin, D.D.S.

STAFF PRESENT:

Sandra K. Reen, Executive Director
Cheri Emma-Leigh, Operations Manager
Gail W. Ross, Adjudication Specialist

QUORUM:

With two members present, a quorum was established.

John E. O'Connor, D.M.D.

John E. O'Connor, D.M.D. was unable to appear in person,

Case no. 108171

therefore a telephone conference call was arranged to reconvene the informal conference held on September 22, 2006, and discuss the comprehensive substance abuse evaluation completed on November 30, 2006, and his application for licensure to practice dentistry by credentials.

The Committee received Dr. O'Connor's statements and discussed his application with him.

Closed Meeting:

Dr. Pirok moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of John E. O'Connor, D.M.D. Additionally, Dr. Pirok moved that Board staff, Sandra Reen and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

Reconvene

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Ms. Sissom reported that it is the decision of the Committee to recommend granting Dr. O'Connor's application to the Board at its next Board meeting on March 9, 2007, with the following terms and conditions:

1. Dr. O'Connor's license to practice dentistry be placed on probation for not less than two (2) years, and
2. Dr. O'Connor be subjected to monthly random urine screenings with any positive findings reported immediately to the Board. Monthly random urine screenings shall be through the Health Practitioners' Intervention Program ("HPIP") or Massachusetts Professional Recovery System

("MPRS").

Dr. Pirok moved to adopt the decision of the Committee. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 2:32 p.m.

Misty L. Sissom, R.D.H., Chair

Sandra K. Reen, Executive Director

Date

Date